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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Leo J. Campbell

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2446

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/809,581	<b>Applicant(s)</b> CAMPBELL ET AL.	
	<b>Examiner</b> BENJAMIN R. BRUCKART	<b>Art Unit</b> 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-22,50-54,69,76,79 and 86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-22,50-54,69,76,79 and 86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20090831</u> .  | 6) <input type="checkbox"/> Other: _____                          |

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### **Detailed Action**

#### **Status of claims:**

Claims 18-22, 50-54, 69, 76, 79 and 86 are pending in this Office Action.

Claims 18-20, 50-52, 69, 76, 79, 86 are amended.

Claims 1-17, 23-49, 55-68, 70-75, 77-78, 80-85, 87-91 remain cancelled.

The objection to the specification is withdrawn in light of applicant's amendment.

### **Information Disclosure Statement**

The information disclosure statement filed on 8/31/09 has been considered.

### **Response to Arguments**

Applicant's arguments filed 8/24/09 have been fully considered but are found not persuasive. The amendments require new grounds of rejection. See remarks below.

#### **Applicant's invention as claimed:**

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 18-20, 22; 50-52, 54; 69; 76; 79; 86 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2002/0002590 by King et al.**

Regarding claim 18, the King reference teaches a method for delivering a message to a user with an electronic account (King: pages 1-2, para 18-20), comprising the steps of:

receiving the message directed to the user with the electronic account (King: pages 1-2, para 18-20), where the message includes an electronic address associated with the user's electronic account and a non-standardized physical address of the user (King: page 2; para 22-23); and

determining a standardized physical address of the user from the electronic address using an address database (King: page 2, para 22-23); and

determining a preferred address of the user, the preferred address being one of the electronic address and the standardized physical address (King: Fig. 2, page 1-2, para 18-20; electronic inbox on email server or hard mail); and

delivering the message to the user at the preferred address (King: page 2, para 22-23, 30),

Regarding claim 19, the method of claim 18, wherein the preferred address is the electronic address (King: page 2, para 30).

Regarding claim 20, the method of claim 18, wherein the preferred address is the standardized physical address (King: page 2-3, para 31-32).

Regarding claim 22, the method of claim 18, wherein the address database is a United States Postal Service address database (King: page 2, para 22).

Claims 50-52, 54; 69, 76, 79, 86 are rejected for the same rationale as given above.

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**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent Publication No. 2002/0002590 by King et al in view of U.S. Patent No. 5,341,505 by Whitehouse.**

Regarding claim 21, the King reference teaches a method for delivering a message to a user with an electronic account.

The King reference does not explicitly state sending back information of a standardized physical address.

However the Whitehouse reference teaches sending back information of a complete physical address (Whitehouse: col. 6, lines 52-58) in order to providing quick, easy, and low cost lookup for complete address information (Whitehouse: col. 5, lines 57- col. 6, line 5).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of delivering a message as taught by King to include informing the sender of a complete address as taught by Whitehouse in order to remove the last barrier for automation providing quick, easy, and low cost lookup for complete address information (Whitehouse: col. 5, lines 57- col. 6, line 5).

Claims 53 are rejected at the same rationale as above.

**REMARKS**

As this case is receiving its tenth action, the examiner believes it would be prudent to appeal or schedule an interview with the examiner. Applicant is reminded that the case is eligible for appeal since each claim has been at least twice rejected.

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Applicant has made amendments broadening the independent claims.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart  
Examiner  
Art Unit 2446

/Benjamin R Bruckart/  
Primary Examiner, Art Unit 2446